

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 10/2/2022
--

-----X

UNITED STATES OF AMERICA,

1:17-cr-290-GHW

-v-

ORDER

HECTOR PALERMO,

Defendant.

-----X

GREGORY H. WOODS, United States District Judge:

On September 9, 2022, document styled as a “Motion Under Section 404 of The First Step Act” authored *pro se* by Defendant Hector Palermo was docketed in this case (the “Submission”). Dkt. No. 675. In it, he argues that his sentence is substantively unreasonable and that his sentence should be reduced.


The Court would benefit from a response from the United States to the Submission. Given the defendant’s *pro se* status, the Court invites the Government’s views regarding whether the Submission should be recharacterized as a petition for *habeas* relief, and, if so, its views regarding how best to proceed with respect to a response to the Submission, as well as any substantive response to the Submission. The Government’s response is due no later than October 23, 2022.

The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

The Clerk of Court is directed to mail a copy of this order to Mr. Palermo.

SO ORDERED.

Dated: October 2, 2022
New York, New York



GREGORY H. WOODS
United States District Judge